

**UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF WISCONSIN**

In Re:

**Paul E. Olsen, and
Cheryl R. Olsen,**

**Case No. 10-39799-svk
Chapter 11**

Debtors.

**DAVID A. AND BECKY S. OLSEN'S RESPONSE IN OPPOSITION TO THE
MOTION OF BNP PARIBAS FOR THE APPOINTMENT OF A
CHAPTER 11 TRUSTEE**

David A. and Becky S. Olsen submit this response in opposition to BNP Paribas's (as Administrative Agent for certain Lenders) ("BNPP") Motion for Appointment of a Chapter 11 Trustee (Docket No. 25) dated January 19, 2011 (the "Motion"), and filed in Paul and Cheryl Olsens' (the "Debtors") bankruptcy case. In support hereof, David and Becky Olsen respectfully state as follows:

Jurisdiction

1. The Debtors filed a voluntary petition for relief under chapter 11 of the Bankruptcy Code on December 16, 2010, and an order for relief was entered on the same day.
2. The Court has jurisdiction over this matter pursuant to 28 U.S.C. §§ 1334(a) and 157(a), and the order of reference filed in this district entered pursuant to § 157(a).
3. This matter is a core proceeding under 28 U.S.C. § 157(b)(1). It concerns the administration of the Debtors' estate pursuant to 28 U.S.C. § 157(b)(2)(A).

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***The Appointment of a Chapter 11 Trustee in this Case is Not in the
Best Interests of David A. and Becky S. Olsens' Estate***

4. David Olsen has been a co-owner and manager of Olsen Brothers Enterprises, LLP ("OBE") with his brother, Paul Olsen, a debtor in this case, for the past fifty years. David and Becky Olsen filed a voluntary petition for relief under chapter 11 of the Bankruptcy Code on December 16, 2010, the same day as this case was filed. (*See* Case No. 10-39796-svk). Because of the overlapping assets and liabilities, David and Becky Olsens' chapter 11 case was ordered jointly administered with the Debtors' chapter 11 proceeding. (*See* Docket No. 56).

5. OBE was formally dissolved in July of 2010 for pre-bankruptcy planning purposes, but Paul and David continue to operate the business as a partnership. A majority of the large business assets in both bankruptcy cases are owned 50/50 between Paul and David Olsen. These large business assets comprise a substantial portion of both estates.

6. The appointment of a chapter 11 trustee in the Debtors' case would create an undue burden upon the estate of David and Becky Olsen. All decisions regarding these co-owned large business assets would need to be approved by David and Becky as well as a chapter 11 trustee. Any disagreement pertaining to the treatment or distribution of these assets would result in a stalemate that could only be resolved by this Court.

7. The need to have this Court decide any and all disagreements between David and Becky and a chapter 11 trustee would be a detriment to their estate, and a time-consuming and inefficient use of this Court's resources. The costs associated with having to appear in court and prepare the necessary pleadings to deal with these issues could be enormous. It would quickly drain David and Becky's estate of its funds, and make the prospect of a successful reorganization unlikely.

Conclusion

WHEREFORE, for all of these reasons, David and Becky Olsen request that the Motion be denied and that the Court grant such other relief as is just.

Dated: February 4, 2011.

/s/ David J. Espin

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